

Remarks/Arguments

Claims 1 – 9 are pending in the application. Claims 1 and 8 are independent.

In the present response, the abstract is replaced and claims 1, 3-6, 8 and 9 are amended. The support for the claim amendment may be found in Applicants' specification, for example, page 6, lines 1-2; page 4, lines 10-15; and page 8, lines 8-17. No new matter is added.

Specification

The Office Action objects to the abstract because it is not limited to a single paragraph.

Applicants replace the abstract with the abstract filed herein. The new abstract also removes the objected terms of "comprises" and "plurality of." No new matter is entered. As such, Applicants respectfully request the withdrawal of the objection of the abstract.

Objection to Claims

The Office Action objects to claims 1, 3, 5, 6, 8, and 9 because the "exchangeable optical disk" allegedly has no antecedent basis in the specification. The Office also objects to claim 4 because the term "may yield" is allegedly indefinite.

For claims 1, 3, 5, 6, 8, and 9, Applicants replace the term "exchangeable" with the term "removable." Support for a removable optical disk is found throughout the specification as originally filed, for example, page 5, lines 29-31 recites, "a recording medium inserted into an apparatus for reading from and/or writing to recording media. . . ." Emphasis added. Also, page 6, lines 1-4 recites, "a disk is inserted into a loader of an optical playback and/or recording device, either manually for a single disk device or through the selection mechanism of a disk changer," Emphasis added.

It is clear that an embodiment of Applicants' disclosure relates to recording media that may not be permanently present in a corresponding playback or recording apparatus, but to recording media that can be inserted into the corresponding playback or recording apparatus. Thus, the disclosure provides clear support for the feature of a removable optical disk. Accordingly, Applicants respectfully request the withdrawal of the objection of claims 1, 3, 5, 6, 8, and 9.

For claim 4, Applicants have removed the term "may yield." Accordingly, Applicants respectfully request the withdrawal of the objection of claim 4.

Rejection of claims 1-9 under 35 U.S.C. 112, first paragraph, for failing to contain a written description of an "exchangeable optical disk."

In the present response, claims 1, 3, 5, 6, 8, and 9 are amended to obviate this rejection.

Withdrawal of the rejection of claims 1, 3, 5, 6, 8, and 9 under 35 U.S.C. 112 is respectfully requested.

Rejection of claims 1-9 under 35 U.S.C. 103(a) over Tripp et al. (US 6516337, hereinafter "Tripp") in view of Mourad et al. (US 20030135464, "Mourad") and further in view of Wright et al. (US 20050055578, "Wright")

Applicants assert that for at least the following reasons, claims 1-9 are patentable over Tripp, Mourad and Wright, either singly or in combination.

For example, claim 1 requires the features of:

A method implemented in an apparatus for reading from removable optical disks for retrieving a file system of a removable optical disk, the file system indicating the physical position of the content on the removable optical disk, the method comprising:

upon insertion of a removable optical disk into the apparatus, determining a signature of the optical disk by measuring features based on a data pattern stored on the removable optical disk, the signature including a plurality of elements;
comparing the signature with a plurality of signatures stored in a content database; and
retrieving the associated file system indicating the physical position of the content on the removable optical disk from the content database if the signature is equal to a signature stored in the content database. (Emphases added).

Applicants assert that the features of claim 1 are patentably distinguished from Tripp.

Tripp relates to a method for sending to a central indexing site meta data or signatures from objects on a computer network. (Title). More specifically, Tripp discloses a method implemented in a central network server for retrieving file information (e.g. local index of files) of a recording medium such as a cataloging computer on a computer network, the file information indicating the logical position of the content on the recording medium. (Id. at column 5, line 66-column 6, line 17; column 30, lines 40-62; and column 45, table 47). Signatures are allegedly determined on the recording medium by measuring features based on a data pattern stored on the recording medium. (Id. at column 7, lines 19-62).

However, in contrast to Applicants' claim 1, Tripp's method is not implemented in an apparatus for reading from removable optical disks. Furthermore, Tripp's method is not performed upon insertion of an optical disk into the apparatus.

Tripp does not mention or even suggest optical disks or other types of optical media. In the Response to Arguments section on page 11, the Office Action refers to Tripp at column 13, lines 61-62 as allegedly disclosing that the local storage media includes all types. However, Tripp's local storage media is allegedly provided to store a requested encoded brochure. (Id. at column 13, line 66-column 14, line 11). In contrast to Applicants' claim 1, Tripp's local storage is in no way related to the method

implemented in a central network server for retrieving a local index of files which allegedly uses a cataloging computer (i.e. a hard disk). Accordingly, Applicants respectfully assert that claim 1 patentably distinguishes over Tripp.

Furthermore, the gist of Tripp's disclosure is apparently focused on obtaining information about the files that are available on a recording medium and about their logical position, e.g. the folder structure of the hard disk. However, Tripp does not appear to be concerned about the physical position of the files on the recording medium – this task is the responsibility of the operating system to match the logical position to the physical position. Tripp's discussion relating to "a pointer which specifies a location or address where the object may be found" (Id. at column 6, lines 10-29) is related to logical addresses, not to physical addresses on the hard drives of the computers attached to the network. For example, Tripp discusses a method for a search engine for cataloguing files in the world wide web within the same context as the pointer. Such a method is not related to obtaining physical addresses of file systems of the host devices hosting the files because all that is available are logical addresses.

In addition, Tripp does not disclose or suggest the feature of retrieving the associated file system indicating the physical position of the content on the removable optical disk from the content database if the signature is equal to a signature stored in the content database, as set forth in claim 1. The only information retrieved from Tripp's content database appears to be the knowledge that a file has been changed.

For at least the reasons pointed out above, Applicants respectfully assert that claim 1 patentably distinguishes over the combination of references.

On pages 6 and 7, the Office Action admits that Tripp does not disclose or suggest the features of "comparing the signature with a plurality of signatures stored in a content database," and "the signature is equal to a signature stored in the content database," and relies on Wright and Mourad, respectively, as allegedly teaching or suggesting such features. While Applicants do not concede that Wright and Mourad teach or suggest such features, Applicants respectively assert that neither Wright nor Mourad, singly or in combination, cure the deficiencies of Tripp with respect to claim 1. Furthermore, the Office Action does not rely on Wright or Mourad for teaching or

suggesting the features of “an apparatus for reading from removable optical disks for retrieving a file system of a removable optical disk, the file system indicating the physical position of the content on the removable optical disk,” “upon insertion of a removable optical disk into the apparatus, determining a signature of the optical disk by measuring features based on a data pattern stored on the removable optical disk, the signature including a plurality of elements,” and “retrieving the associated file system indicating the physical position of the content on the removable optical disk from the content database if the signature is equal to a signature stored in the content database,” as required in claim 1. Therefore, the combination of Tripp, Wright, and Mourad does not teach or suggest every element of claim 1.

In addition, Applicants respectively argue that Mourad does not teach or suggest the feature of “the signature is equal to a signature stored in the content database.”

The cited paragraph [0218] of Mourad discloses a system which allegedly protects the integrity of Secure Containers by digitally signing it. Recipients of the message may allegedly verify the digital signature by decrypting the signature. If the message has not been altered during distribution, the calculated digest and the recovered digest must be equal.

Although Mourad discloses that the calculated digest and the recovered digest must be equal, nowhere does Mourad disclose or suggest that the signature is equal to a signature stored in the content database. Therefore, Mourad does not disclose or suggest this element of claim 1.

For at least the reasons pointed out above, claim 1 is allowable over the cited art. Applicants respectfully request the withdrawal of the rejection of claim 1 under 35 U.S.C. 103(a).

Furthermore, on pages 6 and 7, the Office Action simply provides a conclusory statement that it would be obvious to one of ordinary skill in the art to combine the teachings of Tripp, Wright, and Mourad. The Office Action states that Tripp, Wright, and Mourad are from the same field of endeavor because they allegedly specifically teach digital signature as a method of identifying a document. However, this is different from and does not suggest Applicants' claimed invention.

This conclusory statement does not meet the requirements under the MPEP and the KSR decision. The Supreme Court stated, “*there must be some articulated reasoning* with some rational underpinning to support the legal conclusion of obviousness.” *KSR Int’l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)). While the proper inquiry for motivation is not limited to the overly rigid teaching suggestion motivation (TSM) test, the Examiner cannot simply Leapfrog over the reasoning with a conclusory statement. As pointed out in the recently issued updated Examiner Guidelines it remains Office policy that appropriate factual findings are required in order to apply the enumerated rationales properly. The Office Action has not made the necessary factual findings and associated reasoning that are crucial to a proper obviousness determination according to the instructions provided in the MPEP.

The Office Action merely concludes that it would have been obvious for a person having ordinary skill in the art to combine Wright’s comparison of incoming signatures against its current database of virus signatures with Tripp because they both allegedly teach digital signature as a method of identifying a document. Applicants respectfully assert that this is insufficient rationale to combine the teachings of Tripp and Wright.

Applicants respectfully maintain that a person having ordinary skill in the art would not combine Tripp and Wright because Wright checks signatures of files for the possible presence of a virus, whereas Tripp compares signatures to determine whether a file has been altered. Although Wright in paragraph [0128] mentions removable client devices, this paragraph only relates to possible actions taken in a GUI for managing mobile client devices that have connected to a server system. Wright does not indicate any specific action taken when such devices are connected. Therefore, a person having ordinary skill in the art would not consider combining the two documents.

Additionally, Applicants respectfully maintain that Tripp, Wright, and Mourad are not from the same field of endeavour. Tripp is concerned with cataloguing of files in a network, whereas Wright is concerned with the detection of viruses, while Mourad is related to digital distribution using web broadcasting, which are completely different technical fields.

In view of the above, Applicants respectfully submit that the features of claim 1 would not have been obvious to a person of ordinary skill in the art based upon a reading of Tripp, Wright, and Mourad, separately or in combination. Furthermore, it would not have been obvious to combine the cited references. Therefore, the withdrawal of the rejection of claim 1 under 35 U.S.C. §103(a) is respectfully requested.

Independent claim 8 is different from claim 1 and must be interpreted based upon its own recited limitations, however the relative argument used above for claim 1 may be applied to the individual features of claim 8. Therefore, Applicants apply the above arguments for claim 1 and apply them to claim 8, pointing out why claim 8 is patentable over Tripp, Mourad and Wright. Claims 2-7 and 9 respectively depend from and inherit all the respective features of either claims 1 or 8. Thus, claims 2-7 and 9 are patentable for at least the reason that they respectively depend from claims 1 or 8, with each claim containing further distinguishing features.

Withdrawal of the rejection of claims 1-9 under 35 U.S.C. 103(a) is respectfully requested.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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Date: December 8, 2010